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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,690	03/25/2004	William James Temple	1092	2894
26749	7590	10/05/2005	EXAMINER	
MONIKA J. HUSSELL 1600 LAIDLEY TOWER- SUITE 1700 500 LEE STREET CHARLESTON, WV 25301			OSELE, MARK A	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,690

Applicant(s)

TEMPLE, WILLIAM JAMES

Examiner

Mark A. Osele

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto et al. in view of Thompson et al.. Goto et al. teaches that it is important to use a scraper to clean the outer surface of a pipe prior to fusion welding the pipe to another pipe (column 4, lines 55-67; column 5, lines 7-11). Goto et al. fails to describe the scraper used in the fusing apparatus.

Thompson et al. shows a scraper for the outside surface of a pipe comprising two plates, 18, 20, movable from a closed position (Fig. 6) to an open position (Fig. 5) wherein a planar flexible wiper, 32, can be inserted or removed. The flexible wiper has an annular opening, 34, with a diameter, 36, slightly smaller than the outside diameter of the pipe. The plates hold the flexible wiper (column 3, lines 25-50). The plates further include an annular ledge, 38, for holding the wiper in place (column 3, line 52-58) and spacers, 22, 26, for effecting movement of the plates from open to closed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the scraper of Thompson et al. as the scraper in the fusing apparatus of Goto et al. because Thompson et al. shows this scraper to be effective in cleaning the outer surface of a pipe.

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3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goto et al. in view of Thompson et al. as applied to claim 1 above, and further in view of Reddoch and Best. Reddoch teaches that pipe wipers can comprise a single wiper or a plurality of overlapping wipers (column 1, lines 23-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the single wiper of the apparatus of the references as combined with a plurality of wipers because Reddoch teaches these to be conventional, well known equivalents.

Best teaches the use of springs to bias scrapers against the surface of a pipe while accommodating for variations in pipe diameter (column 1, lines 21-56; column 8, lines 58-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ biasing springs for the wipers of the apparatus of the references as combined to ensure that the scraper is in constant contact with the outside of the pipe as shown by Best.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5, 9, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5, 9, and 13 recite the limitation "the diameter" in lines 1-2. There is insufficient antecedent basis for this limitation in these claims.

Claim Objections

6. Claims 8 and 12 are objected to because of the following informalities: "least" is misspelled. Appropriate correction is required.

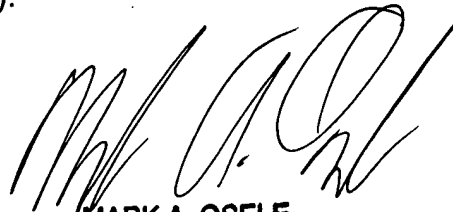
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bleske et al., Rauch et al., Major, and Bleiman et al. each show pipe scrapers. Hubert shows the method of cleaning the outside of a pipe in order to work upon it.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'M. A. Osele', is positioned above the printed name and title.

MARK A. OSELE
PRIMARY EXAMINER

October 2, 2005